

16A C.J.S. Constitutional Law § 794

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Constitutional Law

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PART III. Overview of Protected Personal Rights and Freedoms; Police Power

IX. Personal, Civil, and Political Rights and Freedoms

C. Personal Liberty

3. Right to Travel

b. Particular Applications

§ 794. Relating to admission to state bar

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, Constitutional Law  1280 to 1282, 1285 to 1288

Restrictions on admission of attorneys to state bars have generally been upheld against challenges based on the right to travel.

A reasonable residency requirement for an applicant for admission to the bar does not impinge on the fundamental right of a citizen to travel interstate.¹

Other matters relating to attorneys or persons seeking admission to the bar have also been upheld as against contentions that they infringe the right to travel, such as a requirement that applicants for a bar examination be graduates of approved law schools;² a rule permitting admission to the bar of a state on a foreign license only if an attorney has practiced in the state of previous admission for a specified period of time;³ and requirements that foreign attorneys seeking admission to the bar of another jurisdiction be permanent residents of that jurisdiction,⁴

that they intend to be residents of that jurisdiction,⁵ and that they intend to practice full time as members of the bar of that jurisdiction.⁶

CUMULATIVE SUPPLEMENT

Cases:

To establish that there is a credible threat of prosecution, so as to establish a cognizable self-censorship injury for purposes of standing on a First Amendment claim, the plaintiff must demonstrate: first, that the plaintiff seriously wished to engage in expression that is at least arguably forbidden by the pertinent law, and second, that there is at least some minimal probability that the challenged rules will be enforced if violated. U.S.C.A. Const.Amend.

1. Wollschlaeger v. Governor of Florida, 797 F.3d 859 (11th Cir. 2015).

[END OF SUPPLEMENT]

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Footnotes

- 1 U.S.—Suffling v. Bondurant, 339 F. Supp. 257 (D.N.M. 1972), judgment aff'd, 409 U.S. 1020, 93 S. Ct. 460, 34 L. Ed. 2d 312 (1972).
Tenn.—Knowlton v. Board of Law Examiners of Tennessee, 513 S.W.2d 788 (Tenn. 1974).
- 2 U.S.—Moore v. Supreme Court of South Carolina, 447 F. Supp. 527 (D.S.C. 1977), aff'd, 577 F.2d 735 (4th Cir. 1978).
Alaska—Application of Urie, 617 P.2d 505 (Alaska 1980).
Minn.—Application of Hansen, 275 N.W.2d 790 (Minn. 1978).
- 3 U.S.—Lowrie v. Goldenhersh, 521 F. Supp. 534 (N.D. Ill. 1981), decision aff'd, 716 F.2d 401 (7th Cir. 1983).
- 4 U.S.—Brown v. Supreme Court of Virginia, 359 F. Supp. 549 (E.D. Va. 1973), judgment aff'd, 414 U.S. 1034, 94 S. Ct. 533, 38 L. Ed. 2d 327 (1973) and judgment aff'd, 414 U.S. 1034, 94 S. Ct. 534, 38 L. Ed. 2d 327 (1973).
Va.—Application of Titus, 213 Va. 289, 191 S.E.2d 798 (1972).
- 5 U.S.—Aronson v. Ambrose, 10 V.I. 613, 479 F.2d 75 (3d Cir. 1973).
- 6 U.S.—Brown v. Supreme Court of Virginia, 359 F. Supp. 549 (E.D. Va. 1973), judgment aff'd, 414 U.S. 1034, 94 S. Ct. 533, 38 L. Ed. 2d 327 (1973) and judgment aff'd, 414 U.S. 1034, 94 S. Ct. 534, 38 L. Ed. 2d 327 (1973).

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